

Nicole Lavallee (SBN 165755)
A. Chowning Poppler (SBN 272870)

BERMAN TABACCO

44 Montgomery Street, Suite 650
San Francisco, CA 94104

Telephone: (415) 433-3200

Facsimile: (415) 433-6382

Email: nlavallee@bermantabacco.com

cpoppler@bermantabacco.com

*Counsel for Plaintiff Ryan Scheller and
Movant Jose Flores and Proposed Liaison
Counsel for the Class*

[Additional Counsel on Signature Page]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

RYAN SCHELLER, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

vs.

NUTANIX, INC., DHEERAJ PANDEY, and
DUSTON M. WILLIAMS,

Defendants.

Case No. 3:19-cv-01651-WHO

CLASS ACTION

**STIPULATION AND ~~[PROPOSED]~~ ORDER
TO CONTINUE CASE MANAGEMENT
CONFERENCE AND RELATED
DEADLINES**

DATE: July 10, 2019

TIME: 9:00 a.m.

CTRM: 2 – 17th Floor

JUDGE: Hon. William H. Orrick

1 WHEREAS, on March 29, 2019, Plaintiff Ryan Scheller, individually and on behalf of all
2 others similarly situated, filed a Class Action Complaint for Violations of the Federal Securities
3 Laws against Nutanix, Inc. (“Nutanix”) and certain of its current executives, Dheeraj Pandey
4 and Duston M. Williams (collectively, “Defendants”);

5 WHEREAS, on March 29, 2019, the Court entered an Order setting the initial case
6 management conference for July 2, 2019 as well as deadlines tied to the initial case management
7 conference (ECF No. 8);

8 WHEREAS, on May 28, 2019, pursuant to the Private Securities Litigation Reform Act of
9 1995 (“PSLRA”), 15 U.S.C. §78u-4 *et seq.*, investors, including Mr. Jose Flores, filed motions to
10 consolidate related actions, appoint lead plaintiff and approval of lead plaintiff’s selection of lead
11 counsel (see e.g., ECF No. 32);

12 WHEREAS, on May 30, 2019, Plaintiff Ryan Scheller and Defendants filed a stipulation
13 and proposed order agreeing to defer setting a schedule for the filing of an amended complaint or
14 designation of an operative complaint and a briefing schedule for Defendants’ anticipated
15 motion(s) to dismiss until after a lead plaintiff was appointed (ECF No. 54). The Court ordered
16 lead plaintiff and Defendants to submit a joint stipulation with a proposed schedule no later than
17 ten (10) business days following the appointment of lead plaintiff (ECF No. 55);

18 WHEREAS, on June 13, 2019, the initial case management conference was re-set to
19 July 10, 2019, the same date as the motions to consolidate, appoint lead plaintiff and approval of
20 lead plaintiff’s selection of counsel (ECF No. 72). Both the case management conference and the
21 hearing on the motions are set for 9:00 a.m.; and

22 WHEREAS, counsel for Plaintiff Ryan Scheller and counsel for Defendants agree that
23 efficiency dictates that the initial case management conference and dates related to it should be
24 deferred until after the cases are consolidated and a lead plaintiff and lead counsel are appointed.

25 THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among Plaintiff
26 Ryan Scheller and Defendants, that:

1 1. The initial case management conference should be continued to a date after the
2 Court issues an order consolidating the cases and appointing a lead plaintiff pursuant to 15 U.S.C.
3 §78u-4(a)(3)(B).

4 2. The court-appointed lead plaintiff and Defendants will meet and confer about
5 (a) the timing of the initial case management conference; (b) the schedule for filing a consolidated
6 complaint or designating an operative complaint; and (c) the briefing schedule for Defendants'
7 anticipated motion(s) to dismiss.

8 3. The parties' joint stipulation with a proposed schedule that will be filed no later
9 than ten (10) business days following the appointment of lead plaintiff, in accordance with the
10 Court's prior order dated May 31, 2019 (ECF No. 55), will also address the timing of the initial
11 case management conference.

12 IT IS SO STIPULATED.

13
14 DATED: June 26, 2019

Respectfully submitted,

BERMAN TABACCO

15
16 By: /s/ Nicole Lavallee
17 Nicole Lavallee

18 A. Chowning Poppler
19 44 Montgomery Street, Suite 650
20 San Francisco, CA 94104
21 Telephone: (415) 433-3200
22 Facsimile: (415) 433-6382
23 Email: nlavallee@bermantabacco.com
24 cpoppler@bermantabacco.com
25
26
27
28

Robert C. Finkel (Admitted *Pro Hac Vice*)

WOLF POPPER LLP

845 Third Avenue

New York, NY 10022

Telephone: (212) 759-4600

Facsimile: (212) 459-2093

Email: rfinkel@wolfpopper.com

*Counsel for Plaintiff Ryan Scheller and Movant
Jose Flores and Proposed Lead Counsel for the
Class*

DATED: June 26, 2019

**WILSON SONSINI GOODRICH & ROSATI,
PC**

By: /s/ Ignacio E. Salceda
Ignacio E. Salceda (SBN 164017)

Boris Feldman (SBN 128838)

650 Page Mill Road

Palo Alto, CA 94304

Telephone (650) 493-9300

Facsimile: (650) 565-5100

Email: isalceda@wsgr.com

boris.feldman@wsgr.com

*Attorneys for Defendants Nutanix Inc., Dheeraj
Pandey and Duston M. Williams*

ATTESTATION PURSUANT TO LOCAL RULE 5-1(i)(3)

This certifies, pursuant to Local Rule 5-1(i)(3), that Ignacio E. Salceda of Wilson
Sonsini Goodrich & Rosati, PC, concurs in its content and has authorized this filing.

DATED: June 26, 2019

/s/ Nicole Lavallee
Nicole Lavallee

1 **[PROPOSED] ORDER**

2 GOOD CAUSE HAVING BEEN SHOWN, it is hereby ordered that:


3 1. The initial case management conference currently set for July 10, 2019 at 9:00 a.m.
4 is continued to a date after the cases are consolidated and a lead plaintiff is appointed pursuant to
5 15 U.S.C. §78u-4(a)(3)(B).

6 2. The court-appointed lead plaintiff and Defendants will meet and confer about
7 (a) the timing of the initial case management conference; (b) the schedule for filing a consolidated
8 complaint or designating an operative complaint; and (c) the briefing schedule for Defendants'
9 anticipated motion(s) to dismiss.

10 3. The parties' joint stipulation with a proposed schedule that will be filed no later
11 than ten (10) business days following the appointment of lead plaintiff, in accordance with the
12 Court's prior order dated May 31, 2019 (ECF No. 55), will also address the timing of the initial
13 case management conference.

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15 IT IS SO ORDERED.

16 DATED: June 27, 2019

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18 HONORABLE WILLIAM H. ORRICK
19 UNITED STATES DISTRICT JUDGE
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